

REMARKS

Applicants respectfully request that this Amendment After Final be admitted under 37 C.F.R. § 1.116. Applicants submit that this Amendment presents claims in better form for consideration on appeal. Moreover, Applicants believe that consideration of this amendment could lead to favorable action that would remove one or more issues for appeal. Claims 1-20 have been cancelled in this or in previous amendments. New claims 21-33 have been added to clarify the invention. No new matter has been introduced by way of this amendment.

35 U.S.C. § 102(b) and 103(a) Rejections In View of Saltzman

In the Final Office Action, the Examiner withdrew his rejection of claims 1-7 and 15-20 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0175990 to Hayenga (“Hayenga”). Final Office Action at 2.

The Examiner now maintains a new § 102(e) such that claims 1, 3, 15, and 17 are alleged to be anticipated by U.S. Patent Application Publication No. 2005/0106066 to Saltsman et al. (“Saltsman”), and that claims 4-6 and 18-20 are allegedly unpatentable over Saltsman. *Id.* Applicants have canceled claims 1-20 and have added claims 21-33. Applicants respectfully submit that these new claims are neither anticipated nor rendered obvious in view of Saltsman and are therefore patentable over this reference.

For example, new claim 21 recites, *inter alia*, “an array of chambers, each chamber connected with at least four connection channels, each connection channel connecting at least one chamber to another chamber.” The Examiner refers to the device shown in FIGS. 4A-4E of Saltsman, but these devices do not show an array of chambers having at least four connection channels. The Examiner identifies only two pumps 450 and 460 as chambers, but these pumps 450 are not arranged in an array and do not have at least four connection channels. Instead, each

pump 450 and 460 has only two connection channels, and only one of these connection channels connects a chamber to another chamber unlike the requirements of new claim 21. Therefore, claim 21 is patentable over Saltsman for the above reasons. Because claims 22-26 depend on claim 21, those dependent claims are patentable over Saltsman for the same reasons as claim 21.

Similarly, new claim 27 recites, *inter alia*, “providing fluid into a first chamber in the array of chambers; and pumping the fluid into at least four connection channels such that the fluid is received at second, third, fourth, and fifth chambers.” When fluid is provided to either pump 450 or 460, those pumps do not pump fluid into at least four connection channels such that the fluid is received at second, third, fourth, and fifth chambers. At best, pumps 450 and 460 in Saltsman can only pump fluid into two channels and in addition not to four other chambers. Therefore, claim 27 is patentable over Saltsman for the above reasons. Because claims 28-30 depend on claim 27, those dependent claims are patentable over Saltsman for the same reasons as claim 27.

Further, new claim 31 recites, *inter alia*, “a top plate and substrate laminated together, the top plate and substrate defining an array of chambers, and at least four connection channels, each connection channel connecting at least one chamber to another chamber.” Saltzman does not disclose or suggest a top plate and substrate laminated together. As noted above, Saltzman also does not disclose or suggest an array of chambers, nor at least four connection channels, each connection channel connecting at least one chamber to another chamber. Therefore, claim 31 is patentable over Saltzman for the above reasons. Because claims 32-33 depend on claim 31, those dependent claims are patentable over Saltsman for the same reasons as claim 31.

Conclusion


In view of the foregoing remarks, Applicant requests the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims. If the Examiner does not agree that the application is in condition for allowance, Applicant requests the Examiner to call S.H. Michael Kim at 650-838-2100 to schedule an interview. Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 50-1017 (Billing No. 681954.0134).

Respectfully submitted,
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(Date)

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